

Independent Study Title : The Problem of Damages in Product Liability Cases
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ABSTRACT

Recently, the world of commercial track is developing very fast. Manufacturers produce many kinds of products to supply the demand of consumers and launch them to the market. In the former time, consumers were able to check the completed products easier than these days. This is because; commercial trade in this period of time was as simple one such as trading of fruit. Therefore, it was so easy to check the defect and receive the perfect one. On the other hand, nowadays, the manufacturers are using high technology in producing products. As a result, it is too hard for consumers to check the defective goods during the time of trading. Therefore, when damage occur cause by the defective products, the injured persons have to apply the law of contract and tort law to relieve the damage. Nevertheless, if the victims are the third party, they have only one way to claim damages which is a tort law. Unfortunately, they are faced with problems in claiming under law of torts which make a slim chance of the plaintiff winning. In a result of problems, the plaintiff cannot receive damages from the defendants who make the defective products by negligence. Additionally, if the plaintiff wins the case but the amount of damages seems inadequate. This is because, in some cases the injure person becomes cripple person so it is too difficult to calculate in monetary, this is excluding many expenses that the injured person has to pay to relieve his loss or pain and suffering. Lastly, the tort law is a Civil Law, hence the purpose of law is to bring the injured party back to the position before tort action has been taken. Therefore, there is no punishment by the law and the law cannot deter and discourage the defendant or other from conducting unlawful In the future. As a result, the damage from defective product will happen again and again in the future.